

Technical Bulletin

New Requirement to Obtain a Permit To Take Water (PTTW) for Some Types of Grandfathered Water Takers

PURPOSE

New requirements to obtain a Permit to Take Water (PTTW) are in effect for some types of water taking where the works associated with the taking were constructed before March 30, 1961 (referred to as grandfathered water takings). The purpose of this Technical Bulletin is to inform grandfathered water takers who are also phase one industrial or commercial water users as defined in section 3 of Ontario Regulation 450/07: Charges for Industrial and Commercial Water Use of their new obligations under section 4.1 of Ontario Regulation 387/04: Water Taking.

THE REGULATIONS

Ontario Regulation 387/04 (<http://www.ene.gov.on.ca/envision/water/pttw.htm>)

Water takings in Ontario are governed by the *Ontario Water Resources Act* (OWRA) and the Water Taking Regulation (O. Reg. 387/04). With some exceptions, any person taking more than a total of 50,000 litres of water in a day from a lake, stream, river or groundwater source, must first obtain a Permit to Take Water (PTTW).

Grandfathering in the PTTW program refers to the provision under section 34 (3) of the OWRA that exempts takings if the works associated with the taking were constructed prior to March 30, 1961 from the requirement to obtain a PTTW. Under this provision, grandfathering ceases to apply if the person taking the water increases the size of an intake pipe or installs a new intake pipe, deepens a well or constructs a new well, and/or changes a structure or works constructed for the diversion or storage of water. If the works associated with the taking were modified after March 30, 1961, a PTTW for the taking is required.

In August 2007, the government amended O. Reg. 387/04 such that facilities that are grandfathered but are also phase one industrial or commercial water users (as defined in O. Reg. 450/07 and described below) are now required to obtain a permit. These types of takings are required to apply to the Director for a permit under subsection 34 (6) of the OWRA **on or before June 30, 2008**. In other words, if you own or operate a facility that is a phase one industrial or commercial water user and have never obtained a PTTW because the works associated with the taking were constructed prior to March 30, 1961, you must ensure that you apply for a PTTW by June 30, 2008.

Ontario Regulation 450/07 (<http://www.ene.gov.on.ca/envision/water/pttw.htm>)

In August 2007, the government filed Ontario Regulation 450/07 (O. Reg. 450/07): Charges for Industrial and Commercial Water Users, under the OWRA. This regulation establishes a charge of \$3.71 for every million litres of water used by highly consumptive industrial and commercial water users (referred to as phase one industrial or commercial water users). Money collected from the charge will be used to cover a portion of the provincial government's costs of water management activities and programs such as preparing water budgets, monitoring, and controlling takings and their impacts.

Phase One Industrial or Commercial Water Users

Facilities that are phase one industrial or commercial water users include those that fall into one of the following classes:

1. Facilities that manufacture or produce bottled water or water in other containers, whether or not for use as a beverage.
2. Beverage manufacturing facilities, where water is incorporated into a product.
3. Fruit and vegetable canning or pickling facilities, where water is incorporated into a product.
4. Ready-mix concrete manufacturing facilities.
5. Non-metallic mineral product manufacturing facilities, other than those facilities described in paragraph 4, where water is incorporated into a product.
6. Pesticide, fertilizer and other agricultural chemical manufacturing facilities, where water is incorporated into a product.
7. Inorganic chemical manufacturing facilities, other than those described in paragraph 6, where water is incorporated into a product.

HOW DO I OBTAIN A PERMIT?

Persons seeking a PTTW must submit a detailed application to the Ministry of the Environment. Before completing their application form, applicants are encouraged to consult with ministry staff to initially confirm the classification for the proposed water taking. The PTTW Manual and the Guide to the PTTW Application Form, which includes the permit application form and Schedules for the application, are available at ministry regional offices or by visiting <http://www.ene.gov.on.ca/envision/water/pttw.htm>.

The Ministry of the Environment charges an administrative fee to recover the Ministry's costs to process, review and issue a PTTW. This fee will be waived for the first application for a permit by a grandfathered water taker. See <http://www.ene.gov.on.ca/publications/5156e01.php> for more information.

WHERE CAN I GET MORE INFORMATION?

For more information on PTTW, please refer to the Permit to Take Water Manual and the Guide to the Permit to Take Water Application Form or the PTTW Fact Sheet

(<http://www.ene.gov.on.ca/programs/5299e.pdf>). These and other PTTW publications are available online at www.ene.gov.on.ca or at the regional offices listed below.

For more information on Charges for Industrial and Commercial Water Users (O. Reg. 450/07) visit <http://www.ene.gov.on.ca/envision/water/pttw.htm>.

General information is also available through the Ministry's Public Information Centre at 1-800-565-4923 or within the Toronto calling area at 416-325-4000.

MINISTRY OF ENVIRONMENT REGIONAL OFFICES

Eastern Region (Kingston)
Tel. 613-549-4000 or 1-800-267-0974

Central Region (Toronto)
Tel. 416-326-6700 or 1-800-810-8048

Northern Region (Thunder Bay)
Tel. 807-475-1205 or 1-800-875-7772

West Central Region (Hamilton)
Tel. 905-521-7640 or 1-800-668-4557

Southwestern Region (London)
Tel. 519-873-5000 or 1-800-265-7672

The original application and supporting information must be sent to:

The Ministry of the Environment
Attention: Permit to Take Water
Director, Environmental Assessment and Approvals Branch
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario M4V 1L5
Telephone: Toronto calling area at 416-314-8001 or toll free at 1-800-461-6290.

Protecting our environment.

